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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,700	11/20/2000	Hal Minot	0326-138A	8486
9629	7590	11/07/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			ALPERT, JAMES M	
		ART UNIT	PAPER NUMBER	
		3624		
DATE MAILED: 11/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/717,700	MINOT ET AL.	

<b>Examiner</b>	<b>Art Unit</b>	
James Alpert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-21,35-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-21,35-41 and 43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

The following communication is in response to Applicant's amendment filed on August 5, 2005.

### ***Status of Claims***

Claims 1-14,22-34,42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Because Applicant's election of Claims 1-14,22-34,42 did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. See (MPEP §818.03(a)). Claims 15-21,35-41,43 are previously presented and currently pending.

### ***Response to Arguments***

**With regard to the rejections made under 35 U.S.C §101,** Applicant's arguments are moot in view of the holding in Ex parte Lundgren, Appeal No. 2003-2088. The rejections under §101 are hereby withdrawn.

**With regard to the rejections made under 35 U.S.C §103,** Applicant's arguments with respect to claims 15-21,35-41, and 43 have been considered but are moot in view of the new grounds of rejection. The current action should not be interpreted as an admission that previously submitted art is faulty. Rather, the examiner believes the newly presented art is even more directly on point. One observation the examiner would like to make in reference to the prior art is that while the Applicant has made it abundantly clear that the proposed invention relates to "front-office" or "front-end" services, or in other terms "pre-application" steps, this notion is not reflected in the

claims. For example, the current examiner conducted a text search upon the claims for the above-mentioned and other similarly related terms, and no positive results were returned. This is a curious situation because if the proposed invention were truly related to pre-application loan activity, one would think this term would be found somewhere in the claims. After all, the claims lay out the metes and bounds of the invention. Thus, while the applicant points out that "Claim 1 does not comprise a loan application," (page 18, remarks), the applicant's use of the term "comprising" in Claim 1 leads easily to the outcome where an individual could not only request information regarding credit, but could also submit information in order to be considered for loan approval. The examiner would suggest further amendments to the claims in order to clarify what the invention is and is not, particularly given the strenuousness with which Applicant argues. Still, please note the following new grounds of rejection.

***Claim Rejections - 35 USC §102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 15-17,35-37,43 are rejected under 35 U.S.C. 102(a) as being anticipated by Dykes et al, U.S. Patent #6438526.

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**With regard to Claims 15,35,43** Dykes teaches a method and system comprising:

selectively providing information concerning a plurality of mortgage and/or credit programs to any Internet-connected user who requests such information; (Col. 2, lines 36-45)

selectively receiving, from any Internet-connected user, an indication of whether said user wishes to explore home financing options or home equity loan options; (Col. 2, lines 45-49)

selectively receiving, from any Internet-connected user, residence location information; (Col. 7, lines 41-42; Col. 7, line 66 – Col. 8, line 2; Figure #'s 2d1, 2e, 7a)

selectively receiving, from any Internet-connected user, information concerning a property to be financed, said information including at least location, expected holding period, and use of said property; (Figure #'s 2d1, 2e,7a)

selectively receiving, from any Internet-connected user, information concerning investments; (Figure #'s 2d1, 2e, describing other second homes)

selectively presenting, to any Internet-connected user, a plurality of ranked mortgage and/or credit option(s); and, (Figure #'s 5,6a)

selectively presenting, to an Internet-connected financial consultant user, information concerning said financial consultant's clients. (Col. 7, lines 21-24, lines 60-65)

**With regard to Claims 16,36** Dykes teaches a method and system comprising:

providing to an Internet-connected financial consultant user, information concerning in-process applications of said financial consultant's clients. (Col. 7, lines 21-25)

**With regard to Claims 17,37** Dykes teaches a method and system comprising:

providing to an Internet-connected financial consultant use, information concerning mortgage(s) and/or line(s)-of-credit of said financial consultant's clients. (Col. 2, lines 27-51)

***Claim Rejections - 35 USC § 103***

The text of 35 U.S.C. §103 which is not included in this action, can be found in a prior Office action. Claims 18-21,38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al, U.S. Patent #6438526.

**With regard to Claims 18,38,** Dykes teaches all the elements of Claim 15, as described above, but fails to teach the following limitation:

providing information concerning production credits of the financial consultant.

However, this is an obvious modification to the method of Dykes. That is to say, commissions and/or "production credits" are and old and well-known part of a broker/adviser compensation program. As such, it would have been obvious to one of ordinary skill in the art at the time applicant's invention made to modify the teachings of Dykes to include access to "production credit" information. The motivation for such a combination is simply to encourage a broker/consultant to use the system by allowing easy access to commission information.

**With regard to Claims 19-21,39-41,** Dykes teaches all the elements of Claim 15, as described above, but does not expressly indicate the ability of a retail customer user, or financial consultant user, to save and retrieve submitted information to the loan information system. However, the ability of an Internet-connected entity to submit information, then save the data, and still later resume submitting information is old and well-known in the art. As such, it would have been obvious to one of ordinary skill in the art at the time applicant's invention made to modify the teachings of Dykes to include

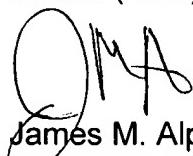
Art Unit: 3624

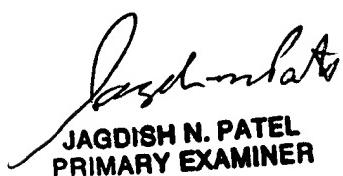
partial submission stored for further use. The motivation for such a modification is to encourage use of the system by making it more technology friendly and easy to use.

### ***Conclusion***

THIS ACTION IS NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

  
James M. Alpert  
November 2, 2005

  
JAGDISH N. PATEL  
PRIMARY EXAMINER